

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORDIRO R. BROWN,)	
)	
Plaintiff,)	Civil Action No. 20-512
)	District Judge Christy Criswell Weigand
v.)	Magistrate Judge Maureen P. Kelly
)	
JOHN WETZEL, MALINDA ADAMS,)	Re: ECF No. 187
RICHARD COON, and KARAN FEATHER,)	
PHILLIP MCCRACKEN, PAMALA BEHR,)	
and EMMANUELLA FELIX)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Cordiro R. Brown (“Plaintiff”), an inmate incarcerated at the State Correctional Institution at Mercer (“SCI-Mercer”), brings this *pro se* civil rights action. Presently before the Court is Plaintiff’s fifth Motion for Sanctions.¹ ECF No. 187.

The instant Motion arises out of Defendants’ service of their Response to Plaintiff’s Motion to Amend Complaint (“Motion to Amend”), ECF No. 170. Defendants filed their Response to the Motion to Amend on March 1, 2021. ECF No. 175. In the Certificate of Service, Defendants’ counsel confirmed that she served a copy of the Response on Plaintiff by first-class mail. Id. at 4. On March 5, 2021, the Court granted Plaintiff’s Motion to Amend. ECF No. 181.

Plaintiff argues that, as of March 3, 2021, he did not receive a service copy of this Response, despite counsel’s assurances to him that she served it. ECF No. 187 at 1-2. Rather than waiting a reasonable time for a service copy to arrive in the mail, Plaintiff filed the instant Motion accusing Defendants’ counsel of making false statements to the Court and engaging in a deliberate ploy to delay this litigation. Because he did not receive a service copy by March 3, 2021, he

¹ Plaintiff previously filed Motions for Sanctions at ECF Nos. 85, 88, 131 and 133.

argues, he could not file a timely Reply in support of his Motion to Amend. He requests that the Court impose sanctions in the form of granting his Motion to Amend and denying as moot a separately pending Motion to Revoke *in forma pauperis* status/Motion to Dismiss for Failure to Exhaust Administrative Remedies, ECF No. 75.

Upon review, the Motion for Sanctions is denied because it is without merit. The fact that Plaintiff did not receive a service copy within two days does not demonstrate that Defendants made false statements regarding service.² Moreover, the Court has already granted the Motion to Amend, and no further briefing is required. An appropriate Order follows.

AND NOW this 18th day of March, 2021, the Motion for Sanctions, ECF No. 187, is DENIED.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

² To the extent Plaintiff seeks sanctions under Federal Rule of Civil Procedure 11, it is also clear by the timing of this Motion that he did not comply with the “safe harbor” provision, which requires the moving party to first serve the motion for sanctions upon the party against whom sanctions are sought, and then only permits the moving party to file the motion if no curative action has been taken within twenty-one days. Fed. R. Civ. P. 11(c)(2).

cc: Cordiro R. Brown
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All counsel of record via CM/ECF